

Remarks

Claims 13, 14, 16-19, 21-25, 27-29, 31, 32 & 34-36 remain pending. Of these claims, claims 13, 18, 23, 24, 29, 32 & 35 were rejected in the Office Action under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-3 of commonly owned U.S. Patent No. 6,108,689. This rejection is respectfully traversed and reconsideration thereof is requested.

An obviousness-type double-patenting rejection is appropriate only if the claims of the pending application recite subject matter that is not patentably distinct from the subject matter claimed in the commonly owned patent. In this case, multiple features of the pending claims recite subject matter different from that recited in the commonly owned patent, and therefore, applicants respectfully request withdrawal of the obviousness-type double-patenting rejection.

For example, independent claim 13 of the present application recites “dynamically changing a network of processes”. This express recitation of a dynamic change in the network itself does not have any express or implied counterpart in claims 1-3 of patent number 6,108,689. For an alleged recitation of this concept, the Office Action references claim 1, column 20, line 60 to column 21, line 4 of patent number 6,108,689. These lines recite:

“ . . . specifying a request said message corresponds to and a sequence identifier indicating a position of said message in a dynamic processing sequence of said request, said position being relative to any other messages of said request, wherein said sending said message to said location comprises using a send function to send said message to said location, said send function including a parameter indicating that said request is a new request, and wherein said parameter further comprises a target parameter to receive results for said new request when processing for said new request is completed;”

There is simply no suggestion or implication in this recited material of applicants' present concept of dynamically changing a network of processes per se. Given this difference in

claimed subject matter, applicants respectfully request withdrawal of the judicially created doctrine of obviousness-type double-patenting rejection.

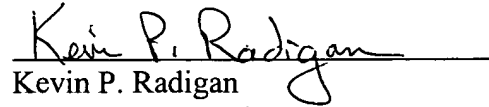
Claims 1-3 of U.S. Patent No. 6,108,689 do not imply that a network is dynamically changing. In claims 1 & 3, there is reference to a "dynamic processing sequence". However, this language refers to a sequence of ordering. For example, an order may be determined by the order that messages are given to processes. This dynamic changing in the order of the processing sequence does not equate to a dynamic changing in a network of processes. These claims only recite that there is a dynamic choice being made as to the order that messages are processed, and this language does not imply that a network is able to be dynamically changed as messages are being processed.

Still further, there is no express recitation or implication in claims 1-3 of U.S. Patent No. 6,108,689, that there is any process for determining completion of a problem associated with one or more messages wherein the one or more messages have dynamically changed in number in response to the dynamic change in the network. Claims 1-3 of U.S. Patent No. 6,108,689 do not address dynamic changes in a network of processes per se, and thus, do not expressly or impliedly address an ability to determine completion of a problem in the face of a dynamic change in a network of processes, wherein one or more messages associated with the problem have dynamically changed in number in response to the dynamic change in the network. For this additional reason, applicants respectfully request reconsideration and withdrawal of the judicially created doctrine of obviousness-type double-patenting rejection.

The present application covers subject matter not claimed in U.S. Patent No. 6,108,689. In view of the different recitations of the independent claims presented in comparison with claims 1-3 of U.S. Patent No. 6,108,689, applicants respectfully request reconsideration and withdrawal of the rejection contained in the Office Action. Since the double-patenting rejection is the only rejection stated therein, applicants respectfully submit that the present application is in condition for allowance and such action is respectfully requested.

Should the Examiner have any questions regarding this application, applicants' attorney is available by telephone at the below-listed number.

Respectfully submitted,



Kevin P. Radigan
Attorney for Applicants
Registration No.: 31,789

Dated: April 06, 2004.

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579